

EXHIBIT 1

1 CLEARY GOTTLIEB STEEN & HAMILTON LLP
2 Elsbeth Bennett (admitted *pro hac vice*)
3 ebennett@cgsh.com
4 2112 Pennsylvania Ave, N.W.
5 Washington, DC 20037
6 Telephone: 202-974-1959

7
8 Zachary G. Tschida (Bar No. 344994)
9 ztschida@cgsh.com
10 1841 Page Mill Road, Suite 250
11 Palo Alto, CA 94304
12 Telephone: 650-815-4100

13
14 *Counsel for Non-Party Sony Interactive*
15 *Entertainment LLC*

16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION,

Case No. 3:23-cv-2880

Plaintiff,

**DECLARATION OF CHRISTIAN
SVENSSON IN SUPPORT OF NON-
PARTY SONY INTERACTIVE
ENTERTAINMENT LLC'S
STATEMENT IN SUPPORT OF
SEALING CERTAIN
CONFIDENTIAL BUSINESS
MATERIAL**

v.

MICROSOFT CORP.,

and

ACTIVISION BLIZZARD, INC.,

Defendants.

DECLARATION IN SUPPORT OF SONY INTERACTIVE ENTERTAINMENT LLC'S
STATEMENT IN SUPPORT OF SEALING
CASE NO. 3:23-CV-2880

1 I, Christian Svensson, declare as follows:

2 1. I am Head of Global Third Party Relations at Sony Interactive Entertainment LLC
3 (“SIE”). I am more than eighteen years of age. Based on my experience with SIE, I am familiar
4 with SIE’s protection of its trade secrets and other confidential and proprietary business
5 information discussed below. I make this declaration based on personal knowledge, and I could
6 testify competently to the matters set forth herein.

7 2. I understand that on June 12, 2023, the Federal Trade Commission (“FTC”) filed a
8 Complaint for a Temporary Restraining Order and Preliminary Injunction (“Complaint”) (ECF
9 No. 1), a Emergency Motion for Temporary Restraining Order (“Emergency Motion for TRO”)
10 (ECF No. 7), which, together with associated declarations and exhibits, contain statements that
11 reference or contain certain highly confidential SIE information. I also understand that SIE
12 intends to file a statement in support of sealing portions of these documents to protect SIE’s
13 confidential information. I make this declaration in support of that statement.

14 3. SIE seeks to seal the following categories of information in the FTC’s filings:

17 Category of Information	18 Section of Motion filing to Maintain 19 Under Seal (Pages: Lines or Exhibit)
20 Non-public SIE data, analysis, and survey 21 results relating to SIE product strategy and 22 platform users’ behavior on SIE’s platform, 23 specifically user engagement, gameplay, spend, 24 and likelihood of switching, including potential 25 competitive impacts of Microsoft’s proposed acquisition of Activision	26 Emergency Motion for TRO 20:9-12 (ECF 27 No. 7); Exhibit Q (ECF No. 10) 41:8-13; 28 Exhibit T (ECF No. 10) ¶¶ 2, 4-6, 8, 9, 14, 19, 29 21, 26-29, 33-39, 41, 42, 44
30 Non-public SIE approach to contract 31 negotiations with third-party partners and 32 discussions of particular contract terms with 33 specified partners	34 Exhibit Q (ECF No. 10) 37:3-6; 39:11; 39:13- 35 16; 39:19-25; 40:1; 40:3-6; 40:9-10; 40:13-25; 36 41:1-3; 41:5-6; 41:14-25; Exhibit T (ECF No. 37 10) ¶¶ 16, 42
38 Non-public information on the nature and scope 39 of SIE’s technical collaboration with particular 40 publishers	41 Complaint (ECF No. 1) 29:14-16; 30:26; 42 Exhibit Q (ECF No. 10) 34:21-24; 36:14-17; 43 37:8-10; Exhibit T (ECF No. 10) ¶ 32, 40

1	Non-public SIE business analysis of competitor	Complaint (ECF No. 1) 12:18; 20:17; 21:2;
2	behavior and products	Exhibit Q (ECF No. 10) 34 :21-24; 37:12-14 Exhibit T (ECF No. 10) ¶¶ 12, 16, 34

3
4. The information SIE seeks to keep confidential is non-public information internal
5 to SIE. The information includes confidential, internal SIE data, including platform user and
6 franchise data, and economic and commercial analyses and business strategies that are not
7 publicly accessible outside SIE. These data and analyses include franchise performance
8 comparisons, user preferences, player spending amounts, and other categories of data. SIE's
9 access to and use of these data and analyses is a competitive advantage that it relies upon for
10 strategic planning, including competitive, marketing, and business strategies. SIE's competitive
11 analysis of the potential impacts of Microsoft's proposed acquisition of Activision on SIE's
12 business, in particular, is based on and informed by SIE's internal data and analyses and should
13 not be made publicly available. SIE's commercial partners could gain unfair leverage in future
14 SIE interactions with knowledge of SIE's specific competitive concerns regarding the proposed
15 transaction.

16
17 5. SIE also seeks to keep confidential information relating to its approach to contract
18 negotiations with particular counterparties and details of particular contract terms between SIE
19 and certain counterparties. Public release of this information would put SIE at a disadvantage in
20 current and future negotiations by creating an information asymmetry between SIE and its
21 counterparties.

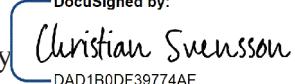
22
23 6. SIE strictly restricts dissemination of this type of data and competitive and
24 business strategy analyses. SIE takes steps to preserve the confidentiality of this type of
25 information to protect SIE's competitive position, and its release could provide insight into SIE's
26 strategic plans or create information asymmetries during commercial negotiations. SIE does not
27

1 share this information with the public.

2 7. Disclosure of SIE's highly confidential information contained in the
3 aforementioned paragraphs could unfairly enable SIE's competitors to gain insight into SIE's
4 strategic thinking and business strategy, providing an unwarranted advantage to competitors and
5 business partners, which could cause competitive harm to SIE. Such information would be
6 immensely valuable to competitors in developing their own strategy against SIE, and to
7 prospective and current business partners in negotiating with SIE.

8 8. I declare under penalty of perjury under the laws of the United States that the
9 foregoing is true and correct to the best of my knowledge and belief.

10 11 Executed on Tuesday, June 20, 2023, in Union City, California.

12 13 DocuSigned by:
14 By 
DAD1B0DF39774AF...

15 16 Christian Svensson
17 18
19 20
21 22
23 24
25 26
26 27
27 28